

Remarks

Restriction Under 35 U.S.C. § 121

Claims 1-33 were divided into two allegedly distinct groups: Group I (claims 1-32), and Group II (claim 33), and restriction was made to one of them under 35 U.S.C. § 121. Applicants elect group I with traverse, because the restriction requirement is not proper.

Group I is drawn to a protein, DNA molecules encoding the protein, and a method of identifying a substance that modulates the protein; and Group II is drawn to an antibody to the protein. Groups I and II of the present application does not lack unity of invention, because they exhibit corresponding special technical features (37 CFR 1.475 (a); MPEP 1893.03(d)).

The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. (37 CFR 1.475 (a)). The protein is defined by certain claimed structural characteristics, i.e., the amino acid sequence of the protein. The amino acid sequence corresponds to the claimed features of the antibody to be used with the claimed protein: the antibody recognizes and binds a portion of the amino acid sequence (epitope).

The MPEP uses key-lock to explain the corresponding technical feature: a corresponding technical feature is exemplified by a key defined by certain claimed structural characteristics which correspond to the claimed features of a lock to be used with the claimed key. (MPEP 1893.03(d)). Indeed, the Key-Lock model was proposed to explain the interaction of antibody and antigen. (The model has been enhanced by further studies, See, e.g., <http://www.cas.muohio.edu/~stevenjr/mbi414/aginteractions414.html>, a hard copy of it is enclosed as an exhibit). Hence, the protein and the antibody exhibit a corresponding special technical features as a lock and its key.

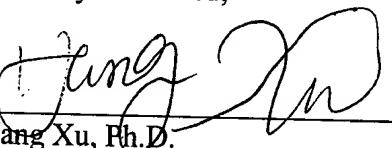
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Accordingly, the Applicants respectfully request that the examiner reconsider the decision and withdraw the restriction requirement.

Allowance of claims 1-33 is earnestly solicited.

Respectfully submitted,

By


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